PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 5, 2012

Present: **Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Cindy Matsumoto; Dick Peek; and Liza Simpson**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Diane Foster, Sustainability Manager; Matt Cassel, City Engineer; Kent Cashel, Transportation Manager; Michael Kovacs, Assistant City Manager; Jon Weidenhamer, Economic Development Manager; Heinrich Deters, Trails Coordinator; Bret Howser, Budget Manager; and Jed Briggs, Budget Analyst

Michael Barelle, consultant and Jon Beutler, Business Resource Center

1. Council questions/comments. Alex Butwinski pointed out that two great public art projects are wrapping up including the Bonanza Tunnel and the metal tree sculptures being installed at the entrance of the Marsac Municipal Building. Efforts to increase ridership on the Salt Lake bus service were discussed and Mr. Butwinski believed there is a need to offer a pass to riders as an incentive. Kent Cashel spoke about subsidizing fares or creating a punch pass program. This may be a potential future work session item.

Mayor Williams extended his condolences to the families of Steve Deckert and Harry Reed who passed away during the holidays. He announced that Assistant City Manager Michael Kovacs will be leaving the City to accept a City Manager position in Galveston, Texas.

The Mayor referred to the fees at the PC MARC and announced that senior rates will be offered at age 65 which is consistent with the golf course. He complimented the planning staff on the Bonanza Park document which has taken two to three years to develop and welcomed the Pioneers Hockey Team back to Park City. The Mayor discussed a request for bus service at Hideout and shared information with Mr. Cashel. He met with Cheryl Fox of the Summit Land Conservancy during the week. BOSAC approved another $150,000 toward the Osguthorpe purchase, raising the donation total to $927,000 toward the $1 million goal. The Summit County Council stipulated the requirement for a management plan, a provision that will always allow Basin residents to use Round Valley, and 3% to 4% ownership in the easement which is equivalent to the amount of money contributed by Summit County. He referred to comments made by County Council member Claudia McMullen on the radio today indicating that she wants to make sure that Basin residents have access to property they paid for, but the Mayor emphasized that it needs to be clear that Basin residents did not pay for the acquisition of Round Valley but it is open to everyone so it isn’t a problem. However, the $45,000 to $50,000 the SLC Board wants earmarked for a legal defense fund and hard costs was never part of the original proposal and the Mayor recommended that staff meet with SLC to work this out.

Dana Williams stated that an elk was killed in Round Valley last week which is unacceptable and he understood the state is telling people they can hunt on our open space. Diane Foster advised that no hunting signs will be installed in the area. With regard to the Osguthorpe easement ownership issue, the Basin Recreation District has to hold a percentage of the ownership because it is the bondholder. She emphasized that the City was clear with BOSAC that it does not have enforcement over the management plan but the City will ask for input from the County. Developing a management plan is consistent with Council's goals on open space. Heinrich Deters explained that the hunt occurred on December 31, 2011 and outside City limits; no citation was given. Matt Cassel pointed out a correction to his staff report on the reconstruction of Empire Avenue.

2. Fourth quarter goal update. With regard to the goal, Preservation of Park City's Character, Matt Cassel described the status of the Hillside retention wall for the benefit of Liza Simpson. Alex Butwinski asked what has been done to secure the Park Avenue houses. Michael Kovacs explained that an application was filed for a HDDR to consider the shrink wrap concept which was denied by planning staff. Another application will be filed on maintenance. He indicated that three proposals have been submitted for the sale of the property which will be reviewed by a team. The Mayor moved on to the Transportation goal and Liza Simpson prompted discussion on creating stations on Main Street and Swede Alley for taxis, hotel shuttles, courtesy vans and coaches. Kent Cashel explained that the number of for-hire vehicles licensed is high and research is being done to determine the trends on the street.

The Mayor spoke about withdrawing the reservation for funding with COG because no project is identified. Mr. Cashel indicated that the funding is intended for land procurement along SR248 and although the proposal is incomplete, he understands other entities are in the same situation and recommended that the allocation be left intact. Tom Bakaly and the Mayor exchanged opinions on the intent of the reservation program and Mayor Williams expressed that the City may not be in compliance with the terms of the fund. A work session may be scheduled on this issue. STAG Grants were explained.

With regard to open space, Ms. Simpson commented using the SharePoint database to manage open space and Heinrich Deters explained that it is a product the City already has in place. In response to a question, Matt Cassel explained that a signal at the Marsac and Guardsman Connection was bid in the fall, but there was no response and will be bid again in February with other projects. She was curious about potential changes to the County's leash law and Mr. Deters believed they will be minor.

Andy Beerman asked if Council intends to address the legal defense fund, not just for Osguthorpe, but to have a policy in place going forward. Mr. Deters indicated that staff will return with a discussion about easements on other properties perhaps in February. Ms. Simpson stated that she would like to see the report on high altitude training. Dick Peek asked about the status of the Monitor Drive traffic calming results since the MARC has opened and Mr. Deters explained that data will be collected and the intersection will be studied.

Relating to open and responsive government and in response to a question from Ms. Simpson about representation on CAST, Michael Kovacs noted that Diane Foster and Phyllis Robinson will be presenting at the next CAST meeting.

3. Request from the Mayor to speak at a conference in China. Ms. Foster explained that the Mayor was invited to speak at an international bio-diversity conference to be held in Xian, China in April 2012. It is an extensive conference and Dana is the only mayor who has been invited and he will be speaking at a session focused on sustainability in resort communities. The staff report identifies some of the other conferences the Mayor will participate in including climate change, low carbon cities and managing the impacts of outdoor recreation on mountain environments. Staff is recommending that Council approve this trip. Since he will likely fly through Beijing, it is not much more to actually spend time there where the Chamber has existing relationships. It is estimated that by 2014, China will have approximately 20 million skiers and it is likely that they will start skiing overseas because of the poor quality skiing in China. The skiing population in the United States has been stuck at 12 million for ten years and is not expected to grow significantly and will probably drop. The proposal is that the Mayor attends and speaks at the conference, representing Park City and spends time in Beijing. The Chamber is willing to help with setting up appointments with tour operators.

Ms. Foster explained that the City does not use a per diem system but reimburses for actual expenses. For reference purposes the per diem in Beijing is $370 per day which includes lodging, meals and incidentals. She explained that this is basically a $4,000 trip for Xian only, and including Beijing raises the price to $5,500. The Council currently has $4,000 available in its travel budget. The Environmental Regulatory Budget could cover additional travel costs or the money could come from the Contingency Fund.

Liza Simpson stated that she is fully supportive of the Mayor going on the trip for networking purposes and it is important for Park City to share information. She asked if the Chamber will contribute and Ms. Foster indicated that no request was made but the Mayor Williams stated that the Chamber is considering it. Alex Butwinski felt that the Chamber contributing is important to him and feels there is value in the Mayor attending and speaking at the conference. He is skeptical about the City absorbing marketing costs for the Chamber and is in favor of the first half of the trip but not the second half unless the Chamber kicks in at least $1,500. Mayor Williams stated that no matter what is decided he will not take it personally. Inviting Park City to participate made him very proud and to share our sustainability successes is a compliment. He will be the only elected official presenting and the remainder are scientists. Regardless of who goes, it is important that Park City participates and visits our second school. Cindy Matsumoto stated that she supports both legs of the trip which could prompt good publicity for the ski areas and didn't feel that $5,000 is a lot of money for that purpose. She would like the Chamber to help out but if that doesn't work, she is willing to look for money elsewhere. Andy Beerman relayed that it is tough to achieve being a world-class mountain town and a leader in sustainability in isolation and it makes sense on a number of levels to send the Mayor on this trip. It also makes sense to accomplish some of the Chamber's goals while he is over there and he hopes the Chamber would help financially to make the trip possible. Dick Peek felt the intangibles are probably beneficial to the community but noted that he was unclear about the trip being funded from the Council Travel Budget. Tom Bakaly stated that other options include the contingency or departmental budgets. Mr. Peek felt that the Chamber should contribute toward the marketing component. The Environmental Regulatory Budget was discussed. Diane Foster understood that everyone was supportive but the Chamber should be approached for helping with costs. She confirmed that Council felt comfortable splitting the cost of the trip between the Council Travel Budget and the Environmental Regulatory Budget.

4. Business retention and recruitment criteria. Bret Howser explained that the economic development strategic plan includes top and high priority projects, including business attraction and retention of both resort-based and year-round businesses. Staff is working on developing criteria for the types of businesses to attract. There are going to be elements in neighborhood plans that address business mix and there will probably be incentives to make that happen. Indicators in neighborhood plans will identify the preferred types of businesses. He pointed out that evaluating businesses will include consideration of environmental, social equity, economic, and quality of life impacts and the fit with the neighborhood plan and/or General Plan. He explained that social equity relates to creating a diverse economy. The analysis is more qualitative in nature and would be conducted by a team that would produce recommendations that aren't necessarily based on a checklist or an equation. After assessing all of these considerations a recommendation on the business fit is made.

Mr. Howser explained that the Community Visioning filter addresses chains naturally because it would not allow big box but staff is looking for more clarity on chain stores. The Mayor asked if members supported the team to include the Assistant City Manager, Public Community Affairs Manager, Environmental Sustainability Manager, Economic Development Manager, and the Planning Manager or designees. Ms. Simpson liked the idea of having designees but these are the departments that should be evaluating the business mix. Dick Peek suggested including the Chamber Bureau and the Mayor agreed that may be a good idea. Andy Beerman indicated that he had the same thought and it makes sense to include the Chamber and maybe representation from the business community. He asked if a Council member should serve on the task force as well. Mayor Williams pointed out that the goal is to bring back a recommendation to Council. Alex Butwinski questioned if final decisions need to be made by Council if members have already approved the process; it could be a staff function. Liza Simpson interjected that it would depend upon the type of incentives being offered by the City and Mr. Howser agreed that considering incentives affects the decision than just applying the criteria. The Mayor asked if the Business Resource Center should also be part of the team. There was no reaction but Ms. Simpson suggested appointing a Chamber staff member rather than a business owner. Mr. Beerman recommended including one Chamber staffer and one Board member. Jon Weidenhamer interjected that he prefers not having a Chamber Board member because visitation seems to be the main focus at all costs. Dick Peek felt that the Chamber may have to change its mission somewhat and not just focus on visitor nights. Liza Simpson suggested kicking it off as proposed by staff unless there is a need for outside input. All members agreed.

Mayor Williams pointed out that many resort communities have chains operating in smaller stores but he is not sure that should be encouraged here. Mr. Howser emphasized that this is not a discussion on what is allowed but rather what is being targeted in the business retention recruitment effort. The Community Vision filter may allow some types of chains. The Mayor believed that franchises should be evaluated because the City should be open to opportunities that don't create negative impacts but create higher paying jobs. Alex Butwinski felt that scoring applications would be a more empirical way to make decisions. Mr. Weidenhamer believed that the neighborhood plan for Bonanza Park will help with some framework and Mr. Howser explained that the process is intended to be more qualitative in nature.

Alex Butwinski felt that the overall plan is a good one and Ms. Simpson believed the effectiveness of the Community Visioning filter holds true. She referred to the Marmot store on Main Street which definitely fits with Park City and believed the team will flush things out. Mr. Peek added that another component is the recruitment of businesses into brick and mortar spaces and identifying appropriate locations. The City will be providing a service to land owners and developers and he pointed out the underutilized commercial space on lower Main Street. Mr. Weidenhamer felt the program could be tailored to address underutilized locations and the Business Resource Center will be giving a presentation next week. The Mayor believed that many businesses may not need financial assistance to operate in Park City and the ones that receive financial assistance should be the stores that bring a *wow factor* to town. He invited public input.

Consultant Michael Barelle believed that over the next few months, the business community may provide ideas about the role of the government and the private sector. There may be brick and mortar spaces that need some joint funding to incubate a business.

Jon Beutler, Business Resource Center, spoke about creating professional jobs here where there are adequate resources to make that happen. Mr. Barelle referred to Dick Peek's suggestion of cataloging a list of available spaces which could be helpful. Andy Beerman asked if the team is primarily reactive when approached by businesses or proactive in identifying and seeking out new businesses. Bret Howser felt that initially the team will be handling projects as they come in but that may change further into the program. Mr. Weidenhamer emphasized that the General Plan and neighborhood plans will be the blueprints for what types of businesses the City will pursue.

5. Strategic planning and the budget process. Members complimented Mr. Howser on his staff report. Bret Howser explained that local governments should make a clear link between the money allocated for services and the goals of the community. The City is trying to make a stronger link with this approach with strategic planning. Staff relies on Community Visioning results and Council's goals which are clear. He acknowledged that there are gaps in the Budgeting for Outcomes process and strategic planning elements are proposed to fill the gaps. One suggestion is to create a long-term strategic plan currently referred to as Park City 2030. Best practices reflect having a long range plan, community vision and goals, but also shorter term action plans. Staff is proposing formulating two-year plans or a biennial strategic plan which breaks down the long range plan into reasonable segments which can be budgeted for and strengthens the links. Then the BFO process isn't trying to bridge such a large gap and the strategic plan will provide clarity. He named a number of adopted City strategic plans and referred to studies and data that are related to strategic plans like needs analyses, etc. and those will not be replaced.

Mr. Howser displayed a four page document of a summarized biennial strategic plan; all seven goals will be represented plus an eighth one on public safety. The layout and categories were reviewed and the document is fairly static from year to year. This sample is consistent with what staff researched for best practices and rather than outlining a massive set of performance measures, there are a few core indicators for general outcome areas. The National Citizen Survey and ICMA data will help to determine how well Park City is actually doing in a goal. Liza Simpson suggested that as the process goes forward that we are not choosing things where Park City excelled like our exceptional rating for park land. Bret Howser explained that Council has the ability to refine drafts of the plans.

Mayor Williams spoke about his difficulty in determining if and when a level of service should be changed and hoped this approach will be helpful for Council members and the public. Mr. Howser stated that detailed data will be available and these papers are basically executive summaries with action plans. Andy Beerman liked the proposal and suggested that the core indicators section include basic five year financial trends in terms of key expenses and revenues. Mr. Howser noted that providing this information may be tricky because these are not departmental budgets and topics have not been tracked. Mr. Beerman clarified that he is just looking for relevant highlights and discussion ensued on the nature of the highlights. Dick Peek asked if there is a way to format the strategic plans so that they are easily read on iPads.

Mr. Howser introduced the bid template. Jed Briggs explained that there will be about 135 bids but they will be highlighted in the summary pages. Members were supportive of the format. Mr. Briggs expressed that the bids provide opportunities for managers to explain their recommendations on levels of service while performance measures are more textual. Ms. Simpson acknowledged that the last 18 months has not been easy for members or staff but feels this is an improvement and will benefit elected officials in the future. Alex Butwinski discussed the benefit of having more input from managers and the ability for Council to better explain the budget to constituents. Liza Simpson believed that this approach will be easier to understand by the public. Bret Howser stated that departments are working on their bids and developing base line reports. Drafts of the biennial plans will be available at Visioning in February. Once finalized, they will be used as guiding documents for the budget process and each paper acts like a contract to provide a service. Tom Bakaly stated that the budget is now based on City Council goals and changing goals during Visioning is not anticipated. City Council members expressed their appreciation of the budget team.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
JANUARY 5, 2012

SWEARING-IN CEREMONY

The Mayor welcomed Judge Keith Kelly who was appointed Third District Judge by Governor Herbert in 2009. Judge Kelly thanked the Mayor for having the opportunity to swear in the newly elected Council Members. He spoke about how much he enjoys working in Park City and commented that the Legal Bar in Park City is excellent. The Judge administered the Oath of Office lo Andy Beerman, Dick Peek and Liza Simpson.

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, January 5, 2012. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Bret Howser, Budget Manager; Jan Scott, City Recorder; Francisco Atsorga; Planner; Mat Evans, Planner; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Bret Howser clarified that the contract amount for Item 2 under the Consent Agenda is a sliding amount based on the size of the bond that is issued and $12,000 represents a $10 million bond.

The Mayor commended Ken Fisher and Matt Twombly for their efforts in getting the MARC open. It is a beautiful building.

III PUBLIC INPUT *(Any matter of City business not scheduled on the agenda)*

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF DECEMBER 8, 2011 AND DECEMBER 15, 2011

Liza Simpson, "I move we approve the work session notes and minutes of the meetings of December 8th and December 15th. Cindy Matsumoto seconded. Dick Peek and Andy Beerman abstained as Mr. Peek was absent and Mr. Beerman was not yet a sworn Council Member. Motion carried.

Andy Beerman	Abstention
Alex Butwinski	Aye
Cindy Matsumoto	Aye
Dick Peek	Abstention
Liza Simpson	Aye

V CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a*

predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items")

Andy Beerman, "I move to approve the Consent Agenda". Liza Simpson seconded. Motion unanimously carried.

1. Consideration of a Resolution establishing a regular meeting date, time, and location for meetings of the City Council of Park City, Utah for 2012 – Staff recommends approval.

2. Consideration of a three year contract renewable annually in a form approved by the City Attorney's office with Municipal Bond Consulting, Inc. for financial advisory services in the amount up to $12,000 – See Communications from Council and Staff. Staff recommends approval.

3. Consideration of the First Amendment to the Professional Services Agreement, in a form approved by the City Attorney, with MWH Americas, Inc., to provide Construction Management Services for the Quinn's Junction Water Treatment Plant in an amount of $68,750 and extending the agreement for 63 full-time equivalent days – Staff recommends approval.

4. Consideration of a Professional Services Agreement with Stanley Consultants for engineering design services for the 2012 reconstruction of Empire Avenue in the amount of $191,048, in a form approved by the City Attorney – Staff recommends approval.

VI RESIGNATIONS AND APPOINTMENTS

1. Consideration of the appointment of Mayor Pro Tem and Alternate Mayor Pro Tem – Jan Scott, City Recorder, explained that based on tradition Cindy Matsumoto would move into the Mayor Pro Tem position and Dick Peek or Alex Butwinski would be appointed as Alternate Mayor Pro Tem. The Mayor suggested that Ms. Matsumoto and Mr. Butwinski be appointed accordingly. Liza Simpson, "I move we appoint Cindy Matsumoto as Mayor Pro Tem and Alex Butwinski as Alternate Mayor Pro Tem for 2012". Dick Peek seconded. Motion unanimously carried.

2. Consideration of the appointment of two Council members to the Employee Transfer and Discharge Appeals Board and a member as the Alternate – Brooke Moss explained that state statute and City policy dictate that ETDAB membership include an employee nominated by staff, two Council Members, and one Council Alternate. Employees can appeal the Board for a reversal of a personnel decision based on termination or demotion. In recent years there have been three hearings but prior to that there weren't any for 20 years. Alex Butwinski, "I move we appoint Liza Simpson and Dick Peek as Members of ETDAB and Andy Beerman as the Alternate". Cindy Matsumoto seconded. Motion unanimously carried.

VII NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of a Resolution naming the tennis courts at the PC MARC as the "Candy Erickson Tennis Center" – The Mayor commented on Council Member Erickson's commitment to the completion of the PC MARC project. Liza Simpson, "I move we approve a Resolution

naming the tennis courts at the PC MARC as the "Candy Erickson Tennis Center". Dick Peek seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving the Ontario Canyon Subdivision located at 44 Chambers Street, Park City, Utah – Francisco Astorga distributed public input which was not included in the meeting packet. He explained that two metes and bounds parcels will be combined to make two lots of record. An historic structure sits on the northern section of the lots and the property owner will have the ability to construct another building on a newly created lot. The Planning Commission forwarded a positive recommendation.

In response to a question from Liza Simpson, he confirmed that when this was reviewed in 2005, the property had the same owner. The historic home will not be moved and will be subject to Historic District Guidelines. Mr. Astorga explained that a neighbor, Ken Martz, requested that Condition of Approval No. 5 be amended, but staff did not feel comfortable changing the Condition due to issues relating to prescriptive right versus prescriptive easement and the City is not the proper venue to stipulate. Condition of Approval No. 5 was something that the property owner and everyone signing the plat had agreed upon and the applicant confirmed to proceed as is. The Mayor opened the public hearing; there were no comments from the audience. Dick Peek, "I move we approve the Ontario Canyon Subdivision based on the findings of fact, conclusions of law, and conditions of approval included in the Ordinance". Cindy Matsumoto seconded. Motion unanimously carried.

VIII OLD BUSINESS *(Continued items)*

1. Consideration of an Ordinance approving a plat amendment for Lots 1 and 2 of Morning Star Estates, Park City, Utah - Mat Evans explained that the plat involves three lots, more specifically Lots 1 and 2 of the Morning Star Estates Subdivision. The Planning Commission recommends approval. The purpose of the plat amendment is to correct an error in the recorded plat for Lots 1 and 2. The title report included a discrepancy for the property and a piece of City property was not shown as being under City ownership. Application was made to correct the error by amending the plat. This creates a remnant parcel, known as Parcel A, which is unbuildable. Mr. Evans indicated that the property owner is requesting an easement through City property to gain access to a parcel and the proposal is to remove the City parcel from Lots 1 and 2. The overall sizes of both parcels are affected but the building envelopes will not change. The zoning is Estate and everything around it is ROS and additionally, the CC&Rs specify no development in the ROS areas. The ROS no long adjoins Lot 2 and the access easement is for the benefit of Lot 2.

Dick Peek asked if anything could be built over the ridge. Attorney Bob Dillon explained that the access easement was negotiated for the benefit of his client. Mr. Evans interjected that the ROS is just beyond the ridge point. The Mayor opened the public hearing; there was no input and the hearing was closed.

Liza Simpson, "I move we approve an Ordinance for a plat amendment for Lots 1 and 2 of Morning Star Estates, Park City, Utah". Alex Butwinski seconded. Motion unanimously carried.

2. Consideration of an access easement across the Water Tank Parcel for the benefit of Lot 2 of the First Amended Morning Star Estates, Lots 1 and 2 and Water Tank Parcel, Park City, Utah – See Item No. 1 discussion. The Mayor opened the public hearing. There were no

comments from the audience and the public hearing was closed. Dick Peek, "I move we grant an access easement in a form approved by the City Attorney for the benefit of Lot 2 for the First Amended Morning Star Estates". Alex Butwinski seconded. Motion unanimously carried.

IX ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

X ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Michael Kovacs, Assistant City Manager; Diane Foster, Sustainability Manager; Heinrich Deters, Trails Coordinator; Greg Curtis, Esq.; Dave Stewart, Esq.; Justin Stewart, Esq.; Lincoln Schultz, ULCT; and Mark Harrington, City Attorney. Alex Butwinski, "I move to close the meeting to discuss property and litigation". Dick Peek seconded. Motion carried unanimously. The meeting opened at approximately 3:30 p.m. Liza Simpson, "I move to open the meeting". Cindy Matsumoto seconded. Motion unanimously carried.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, City Recorder

Janet M. Scott, City Recorder